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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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05/12/03

Application of: Olli Kallioniemi et al.

Art Unit: 1634

Application No. 09/622,635

CERTIFICATE OF MAILING

Filed: October 12, 2000

I hereby certify that this correspondence is being deposited with the United States Postal Service on April 11, 2003 as first class mail in an envelope addressed to: BOX ISSUE FEE, COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

For: CELLULAR ARRAYS FOR RAPID
MOLECULAR PROFILING

Examiner: Arun K. Chakrabarti

Date: April 11, 2003

Wayne W. Rupert
Wayne W. Rupert
Attorney for Applicant

BOX ISSUE FEE
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

With respect to the statement of reasons for allowance mailed with the Notice of Allowance, the applicants continue to maintain their position that Stapleton et al. is not available as a reference under §102(e) against at least claims 1, 3, 4, 10-15, 29, 49-52, 87, 88 and 91-92 for the reasons set forth in applicants' August 5, 2002 and April 4, 2002 Replies. The unavailability of Stapleton et al. as a reference provides an independent basis for patentability regardless of the distinctions noted in the reasons for allowance. Applicants respectfully request that these comments be entered into the record of the file history.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By Wayne W. Rupert
Wayne W. Rupert
Registration No. 34,420

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Telephone: (503) 226-7391
Facsimile: (503) 228-9446



2 - PG Fee

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Box ISSUE FEE**
Commissioner for Patents
Washington, D.C. 20231
Fax (703)746-4000

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use BLOCK 1)

24197 7590 01/13/2003

KLARQUIST SPARKMAN, LLP
121 SW SALMON STREET
SUITE 1600
PORTLAND, OR 97204

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Box Issue Fee address above, or being facsimile transmitted to the USPTO, on the date indicated below.

Wayne W. Rupert (Depositor's name)
Wayne W. Rupert (Signature)
April 11, 2003 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/622,635	10/12/2000	Olli Kallioniemi	4239-55278	8528

TITLE OF INVENTION: CELLULAR ARRAYS FOR RAPID MOLECULAR PROFILING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1300	\$0	\$1300	04/14/2003

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHAKRABARTI, ARUN K	1634	435-006000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

Klarquist Sparkman, LLP

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3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE
Government of the United States

(B) RESIDENCE: (CITY and STATE OR COUNTRY)
Rockville, Maryland

of America as Represented by the

Secretary of the Department of Health and Human Services (see attached for additional assignee)

Please check the appropriate assignee category or categories (will not be printed on the patent)

☐ individual ☐ corporation or other private group entity ☒ government

4a. The following fee(s) are enclosed:

☒ Issue Fee

☒ Publication Fee

☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

☒ A check in the amount of the fee(s) is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Commissioner is hereby authorized by charge 02-4350 fee(s), or credit any overpayment, to Deposit Account Number 02-4350 (enclose an extra copy of this form).

Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

Wayne W. Rupert

4/11/03

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, D.C. 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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04/17/2003 BABRAHA2 00000037 09622635

01 FC:1501
02 FC:8001

1300.00 OP
30.00 OP

TRANSMIT THIS FORM WITH FEE(S)

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT

- (1) As set forth in Part B – FEE(S) TRANSMITTAL: Government of the United States of America as Represented by the Secretary of the Department of Health and Human Services, Rockville, Maryland (assignee category – government); and**
- (2) Kanton Basel-Stadt, Basel, Switzerland (assignee category – government)**



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kallioniemi et al.

Art Unit: 1634

Application No.: 09/622,635

CERTIFICATE OF MAILING

Filed: October 12, 2000

For: CELLULAR ARRAYS FOR RAPID
MOLECULAR PROFILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service on April 11, 2003 as First Class Mail in an envelope addressed to: BOX ISSUE FEE, COMMISSIONER FOR PATENTS, WASHINGTON D.C. 20231.

Examiner: Arun K. Chakrabarti

Date: April 11, 2003


Wayne W. Rupert
Attorney for Applicant

BOX ISSUE FEE
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

LETTER TO THE OFFICIAL DRAFTSPERSON

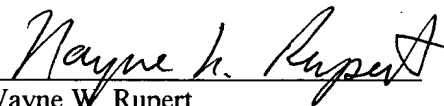
Attached are two (2) sheets of formal drawings (Figs. 12 and 26) for this application, with each sheet indicating the title, inventor's name, and application number on the front of each sheet and centered within the top margin, together with a copy of the Notice of Allowability.

Applicants note that corrected formal Figs. 12 and 26 were previously submitted in Reply (mailed April 4, 2002) to the December 5, 2001 Office action. These drawings were presumably acceptable since the Notice of Allowance refers to Paper No. 7, which was the initial Notice of Draftsperson's Patent Drawing Review mailed prior to applicant's April 4, 2002, submission of corrected formal drawings. If the corrected formal Figs. 12 and 26 are not acceptable, applicants ask that the PTO notify them accordingly so that any further corrections can be made.

Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By 
Wayne W. Rupert
Registration No. 34,420

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121 S.W. Salmon Street
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cc: Docketing

1/03

Notice of Allowability



Application No.
09/622,635

Applicant(s)
Kallioniemi et al.

Examiner
Arun Chakrabarti

Art Unit
1634



--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course.

THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/15/02.
2. ☒ The allowed claim(s) is/are 1-22, 24-78, and 86-94.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

5. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☒ CORRECTED DRAWINGS must be submitted.
 - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☒ to Paper No. 7.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>17</u> |
| 5 <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449), Paper No(s). <u>16</u> | 6 <input type="checkbox"/> Examiner's Amendment/Comment |
| 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| 9 <input type="checkbox"/> Other | |